

REMARKS

Claims 1-42 are pending.

Claims 14-15 and 19-41 have been withdrawn in view of a restriction requirement.

The Cross-Reference on page 1 was amended to correct an inadvertent typographical error.

Applicant thanks the Examiner for his review of this relatively long patent application.

Claim Amendments

Claim 1 has been amended to depend from Claim 7. Claim 7 was amended to include “consisting essentially of” language and recite a property from Claim 1. New Claim 42 is a “consisting of” version of Claim 7.

Restriction Requirement

Applicants acknowledge the restriction requirement has been made final.

35 USC 102 and 103 Rejections in View of Oshibe et al.

Claims 1-6 are rejected under 35 USC 102 as being anticipated by or, in the alternative, under 35 USC 103 as being obvious over Oshibe et al. (US 5,244,935). Claims 7-13 and 16-18 are rejected under 35 USC 102 as anticipated by Oshibe et al. The Office action asserts Oshibe et al. (col. 19-20, Synthesis Nos. 1 and 8) disclose terpolymers comprising DMAM, HEA and AA. This rejection is respectfully traversed.

As explained below, the DMAM (N,N-dimethylacrylamide) of Oshibe et al. is not the DMAM (2-dimethylaminoethyl methacrylate) of the presently selected species and is not covered by the present claims. Thus, Oshibe et al. neither teaches nor suggests the present invention.

Ingredients of Synthesis Nos. 1 and 8

(Note: Oshibe et al, col. 11 provides a table of abbreviations)

Component A is Methyl Cellosolve (a polar solvent according to Oshibe et al., col. 6, lines 22-31).

Component B is $[\text{CO}(\text{CH}_2)_4\text{COO}(\text{CH}_2\text{H}_4\text{O})_3\text{-CO}(\text{CH}_2)_4\text{COOO}]_{10}$ (See Oshibe et al., col. 11, lines 1-5), a polymeric peroxide initiator (See Oshibe et al., col. 10, lines 51-55).

Component C are hydrophilic monomers, namely DMAM (N,N-dimethylacrylamide) and HEA (2-hydroxyethyl acrylate) (See, Oshibe et al, col. 11, table of abbreviations).

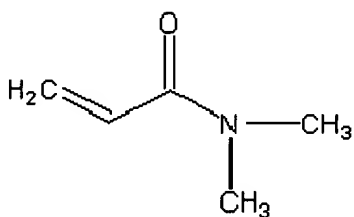
Component D is a radically polymerizable monomer, namely SEM (2-sulfoethyl methacrylate) in Synthesis No. 1 and GMA (glycidal methacrylate) in Synthesis No. 9.

Component E is Methyl Cellosolve.

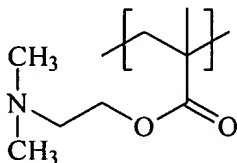
Component F is a hydrophobic monomer, namely MMA (methyl methacrylate).

Component G is a radically polymerizable monomer, namely AA (acrylic acid).

DMAM (N,N-dimethylacrylamide) of Component C of Synthesis Nos. 1 and 8 has the structural formula (See ATTACHMENT I).



In contrast, Applicant selected as part of its species election the cationic unit 2-dimethylaminoethyl methacrylate (DMAM) having the formula:



Independent Claim 7 does not read on N,N-dimethylacrylamide of Oshibe et al.

The similar abbreviations DMAM and DMAM are a coincidence.

Also, it is respectfully submitted Oshibe et al. does not make the present claims obvious because there is no motivation to substitute DMAM (N,N-dimethylacrylamide) of Synthesis Nos. 1 and 8 for DMAM (2-dimethylaminoethyl methacrylate) in the presently elected species. As explained in the summary of Oshibe et al. col. 2, its block copolymer comprises a (meth)acrylamide represented by the general formula $\text{CH}_2=\text{CR}_1\text{CONR}_2\text{R}_3$; a cyclic (meth)acrylamide compound represented by general formula II; and a hydroxyalkyl (meth)acrylate. None of these are 2-dimethylaminoethyl methacrylate (DMAM).

Foreign Prosecution

For the Examiner's information GB 2027045 (particularly examples 1-3, claims 1, 3 and 6) and US 4,542,175 (particularly col. 10, lines 18-21) were cited against claims in an EP counterpart to the present application. These references were cited in an IDS filed April 5, 2005.

Conclusion

In view of the above, it is respectfully submitted all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested.

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ATTACHMENT I – Internet Printout

**Welcome to our WEBSITE !**

Home

Up

HEMA

N,N-DMA

NVP

EOEMA

TFEMA

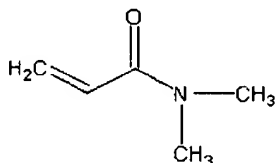
EGDMA

MAA

BX-N,N-DMA N,N-Dimethylacrylamide

CAS No. 2680-03-7

BX-DMA is a high purity monomer for contact lens applications.

Structure

Molecular weight: 99

Typical Properties

Purity, %:	99.9
Water, %:	0.1
Inhibitor (MEHQ), ppm:	50
Appearance:	Clear liquid

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